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COMMISSION ON HUMAN RIGHTS
Forty-seventh session
Item 22 of the provisional agenda

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Written statement submitted by the Bahá'í International Community, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[18 December 1990]

Report on religious intolerance

1. The Report (E/CN.4/1990/46) submitted by Mr. Angelo Vidal Ribeiro to the forty-sixth session of the Commission on Human Rights provides renewed reason for satisfaction with the decision of the Commission to renew his mandate as Special Rapporteur to undertake a study of circumstances inconsistent with the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. Together with the submissions by Mr. Theo van Boven and Mrs. Elizabeth Odio-Benito to the forty-second session of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, the Report provides a sound foundation for further action by the Commission.

2. As Mr. Ribeiro's reports have pointed out, religious intolerance is a complex phenomenon with a multitude of causes. Available evidence suggests the underlying one is a pervasive ignorance about the beliefs of other peoples, an ignorance which breeds suspicion and fear. Frequently, the effects of this lack of understanding have been exacerbated by historical events which have left legacies of cultural estrangement.

3. Whatever the etiology, the correction of such attitudes depends on society's willingness to undertake and maintain long-term programmes of re-education at several levels. Particularly important is the preventative effect that the proper education of children achieves when carried out systematically in elementary and secondary school curricula. Equally important, in another way, is the appropriate use of the public information media to achieve what the Special Rapporteur has called "a broader dissemination of the principles contained in the Declaration, so as to prevent the spreading of stereotypes which might lead to lack of comprehension and tolerance" (E/CN.4/1989/44). As Mr. Ribeiro adds, UNESCO can play a particularly important role in this respect. The Bahá'í International Community further shares the Special Rapporteur's view that interfaith dialogues at both the national and international levels can contribute significantly to such a thrust toward broad public re-education.

4. There is general recognition, however, that religion itself has historically played a major role in creating conditions in which religious intolerance can take root. History is replete with examples of antagonistic attitudes which have arisen not through ignorance, circumstance, or even policy, but rather because of people's sincere attachment to beliefs about the deepest questions of life, which have differed irreconcilably from those of their neighbours. This perennial feature of humanity's religious life is very much an influence in the present human rights landscape. Further, many members of the Commission and observer organizations will undoubtedly share, as the Bahá'í International Community does, Mr. Ribeiro's view that "the intransigence of extremist elements and their demand for a literal interpretation ... is at the root of many manifestations of religious conflict in the world" (E/CN.4/1989/44).

5. While the relevant theological questions are clearly beyond the Commission's mandate, their impact on human rights falls well within its scope. Here again, the Bahá'í International Community believes that the principal available remedy lies in the field of re-education, not only in its effective use, but in the perspective in which programmes are undertaken.

6. It is a truism to point out that we are living at a period of history in which the earth has become a common homeland for a rapidly integrating human race. Whatever differences of belief may continue to divide us, the unyielding realities of contemporary history require that we learn to live together. This view must, the Bahá'í International Community believes, form the framework of any efforts of the re-education that seek to influence attitude and behaviour in the field of religious tolerance.

7. Finally, the Bahá'í International Community wishes to endorse in the strongest terms the view of the Special Rapporteur that "... the persistence of the problem of intolerance and discrimination in this field calls for the preparation of an international instrument dealing specifically with the elimination of this phenomenon" (E/CN.4/1989/44). Entailing, as the Special Rapporteur points out, provisions for the submission of reports and more substantial petitioning mechanisms, such a legal measure would greatly enhance the success of educational measures adopted.

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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES.

Written statement submitted by the International League for Human Rights a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[29 December 1990]

Measures to protect torture victims

1. In its resolution 1990/34, the Commission on Human Rights stressed many of the conclusions and recommendations of the Special Rapporteur on Torture, mentioning in particular: the importance of instituting a system of periodic visits by independent experts to places of detention; the importance of limiting, and eventually declaring illegal, incommunicado detention under national law, since the great majority of allegations refer to torture practised during incommunicado detention; and the need to adopt "legal provisions ... prescribing that a person shall be given prompt access to a legal counsel after he has been arrested" and requiring that relatives be promptly informed of the arrest and location of the detainee.

2. The International League for Human Rights finds that such measures are urgently needed to help protect victims of torture and would be effective in reducing instances of torture. It believes that the activities of the Special Rapporteur and the Committee against Torture (CAT) are complementary and continued co-operation between the two should be encouraged. Both the Rapporteur on Torture and the Committee against Torture have addressed the issues cited above in their reports and could work constructively to implement them.

3. In its latest report (A/45/44), currently before the forty-seventh session of the Commission on Human Rights, members of the Committee noted that a large number of questions about torture and the practices that facilitate it remained unanswered by States Parties. In accord with the Convention and the Committee's guidelines, it therefore requested additional reports from several States parties.

4. In its review of the Netherlands report, the Committee asked for an additional report from Aruba. It also requested the Chilean authorities (then representing the Government of General Pinochet) to present an additional report with complete data and statistics on recent cases of torture, on proceedings initiated against perpetrators, and on compensation granted to victims. Members observed at the time that the informational training of Chilean officials in the prevention of torture was still unsatisfactory.

5. Committee members also requested an additional report, by 31 December 1990, from the Peoples' Republic of China. Among the outstanding concerns of the members were cases on China mentioned in the report of the Special Rapporteur on Torture [which allege beatings, suspension, use of electric batons, and prolonged, painful shackling], the use of evidence obtained by torture, the organization and independence of the judiciary, conditions of detention, contacts of detainees with their families, and the role of medical personnel in establishing whether torture had taken place. (A/45/44, para. 500).

6. The Committee against Torture, the Special Rapporteur on Torture and the Working Group on Enforced or Involuntary Disappearances all note problems related to China. In the current Committee against Torture report, the Government's statement that torture had yet to be eliminated completely was discussed (para. 484). Committee against Torture members raised numerous questions about the practice of incommunicado detention (para. 482), and the Government representative replied that secret detention occurred only when necessary to segregate certain categories of prisoners from others, and that

normal procedure was to inform families of detainees (para. 493). The representative also stated that "following the anti-governmental disturbances in 1989, there had been no summary arrests or detentions of peaceful demonstrators, summary executions, or widespread murder" (para. 497), but explained that "a handful of persons engaged in anti-governmental rioting and criminal activities, such as looting, arson, and murder" had been arrested.

7. The League wishes to draw the attention of the Commission to the fact that the Chinese authorities officially acknowledge some 300 persons were killed in the 3-4 June 1989 events and unofficial estimates run higher (above 1,000). Witnesses have reported on the indiscriminate and deliberate killings by army troops. The Special Rapporteur on Summary and Arbitrary Executions has not, to our knowledge, received word of any investigations of the type required by the new Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary, and Summary Executions, adopted by the Crime Committee and, in Spring 1989 by the Economic and Social Council. During 1990, the Chinese authorities themselves announced the release of a total of 881 persons arrested in connection with the 3-4 June 1989 events. In June, the Government stated that 355 more such prisoners remain. The League has a list of the names of over 800 others and considerable evidence that the actual number of detainees following the June events is much higher. Most were arrested for non-violent actions such as "spreading rumours", "shouting reactionary slogans" or "distributing counter-revolutionary handbills, that constitute punishment for peaceful exercise of internationally guaranteed human rights.

8. Many detainees have been physically maltreated and tortured by law enforcement officials, whose actions appear to have been intended to extract "confessions" of various "crimes". These confessions are then used as evidence in subsequent criminal proceedings. The Chinese authorities have kept pro-democracy detainees incommunicado for long periods, a practice that, as noted above, contributes to torture. Chinese authorities are not complying with the minimal requirements of the Criminal Procedure Law (10 day limit on detention without charge and the requirement to inform families). The procedures used to put pro-democracy activists on trial (both the normal and the expedited procedures) do not conform to accepted international standards for protection of the rights of the accused. They fail to require or ensure that (a) a person who is detained is "promptly" informed of the charges against him and can take "proceedings before a court" to decide "without delay" the lawfulness of the detention; (b) a detainee has access to legal advice at an early stage; (c) the trials are held in public; and (d) the preconditions under international law for the imposition of the death penalty are observed. Further, many persons do not come to trial at all because they are administratively sentenced to terms at "reform through labour" camps.

9. A number of the pro-democracy movement detainees who have been released have attested to acts of torture against themselves and other prisoners, by methods cited in the Special Rapporteur's report, including shackling, beatings, and electric batons. Individuals who are held without charges are often kept incommunicado, without notification to their families, and without access to legal or medical personnel - all conditions the Special Rapporteur on Torture has identified as facilitating torture. Some of these persons have "disappeared" and the Working Group on Disappearances currently reports on some individual cases.

10. Many of the pro-democracy detainees still have not been officially identified, or charged. The Government has refused to provide a list of detainees and their whereabouts. Some of the students or intellectuals who were detained since 1989 have only recently been charged and are to be brought to trial soon - Wang Juntao and Chen Zhiming have reportedly been charged recently; both student leader Wang Dan and labour unionist Han Dongfang have yet to be charged or brought to trial at all. Such lengthy delay and extended detention clearly violate international human rights standards.

11. Finally, Chinese legal journals have criticized the lack of independence of the judiciary in China. The "adjudication committee" system, whereby decisions about cases are decided in advance, constitutes a much criticized system called "verdict first, trial second". Because the Communist Party committees advise judicial personnel as to the nature of the verdicts prior to the trials, the detainees have no chance of a fair trial by an independent and impartial judiciary in accordance with international standards.

12. To help lessen chances of torture, the International League for Human Rights urges speedy efforts to implement the Commission's past recommendations concerning the establishment of a team of independent experts to undertake periodic visits to places of detention, to declare incommunicado detention illegal, and to ensure that detained persons be given prompt access to independent legal counsel.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[8 January 1991]

THE HUMAN RIGHTS SITUATION IN IRAN

1. Mass executions after unfair trials, arbitrary arrests, including detentions of prisoners of conscience, and torture continue in Iran. Substantive measures to introduce basic safeguards for the protection of human rights have not been implemented.

2. The interim report of the United Nations Special Representative on Iran submitted to the General Assembly in November 1990 (A/45/697) and the recent, major report issued by Amnesty International, Iran: Violations of Human Rights 1987-1990, prompted the Iranian authorities to issue a number of statements defending their human rights record. For example, speaking in Tehran on 7 December 1990, the Chief Justice, Ayatollah Yazdi, is reported to have said that not a single prisoner was jailed in Iran because of his views, and that all current inmates were charged with crimes committed against the Government. He went on to say that prisoners in Iran were not detained for having written or signed letters addressed to the country's officials.

However, Ayatolla Yazdi and other Iranian officials have signally failed to provide any legal reason for the continued detention of at least 16 prisoners of conscience detained in June 1990, apparently for lending their support to an open letter criticizing the failure of the Government to uphold rights and freedoms provided for in the Iranian Constitution. These prisoners, many of whom were ministers in Mehdi Bazargan's short-lived 1979 transitional Government and distinguished figures in Iranian public life, have not been formally charged with any offence although the authorities have alleged that they acted in the interests of foreign governments. Some are reported to have been subjected to beatings and psychological torture in an attempt to force them to confess to counter-revolutionary activities and conspiracy with foreign powers. There has been no response to Amnesty International's request of August 1990 to send a delegate to observe their trial, the date of which appears not yet to have been set. Amnesty International finds unconvincing, therefore, the claims by the authorities that no one is imprisoned for expressing their views.

3. The President of the Supreme Court, Hojatoleslam Moghtadaie, is reported to have told the United Nations Special Representative in October 1990 that:

> "Under Iranian law, a defence lawyer was necessary and mandatory and both the accused and the lawyer were given certain facilities. When the accused had not had a lawyer, the Supreme Court revoked the sentence." (Para. 187, A/45/697).

4. Recent press reports have suggested that a new law providing for legal representation for defendants before all types of court has been passed by the Iranian parliament. However, Amnesty International is not aware of a single case in which political prisoners have been granted access to legal counsel at any stage of their imprisonment. A group of approximately 100 women prisoners of conscience imprisoned sice 1983 have never had access to lawyers, despite the fact that many of them have been sentenced to long prison terms at court hearings. The Supreme Court has not revoked the sentences in these or in any other cases known to Amnesty International. The organization looks forward to the rapid implementation of the new law, and calls for all political prisoners held after unfair trials to be given a fair re-trial or else released.

5. Many prisoners of conscience, held for many years without trial, or after unfair trials before Islamic Revolutionary Courts, remain in prison. Over 50 women political prisoners remain in Evin prison, although they have already completed their prison sentences. The authorities have apparently refused to release them until they agree to recant their political beliefs.

6. Another group of approximately 50 women prisoners from left-wing political groups were temporarily released from prison in August 1990, but almost all of them were returned to prison within two to three months. These women prisoners have never "confessed" to any crime despite years of persistent torture and ill-treatment. Many of them have sustained injuries, such as broken bones in the feet, as a result of torture. Held for years in pre-trial detention, most were subsequently sentenced to prison terms after summary trials. Their long-term pre-trial imprisonment was not subtracted from their prison terms.

7. Reports from within Evin prison indicate that the treatment of political prisoners connected with the People's Mojahedine Organization of Iran is even more harsh than that suffered by those from the left-wing groups.

8. There continue to be reports of new arrests of Government critics and opponents. Hundreds of people were arrested in the course of demonstrations against Government policies in various parts of the country during 1990. It is not known how many of these people remain in detention. There were also reports of unrest in Kurdistan and Baluchistan where movements calling for greater regional autonomy have clashed with security forces. Hundreds of people are believed to have been detained as a result of these long-running conflicts, and there are reports of torture and execution of supporters of such organizations as the Kurdish Democratic Party of Iran, Komala and the Baluchi National Movement. In Baluchistan a clamp down on Baluchi nationalists appears to have been coupled with the continuing campaign against drug-trafficking, blurring distinctions between prisoners detained for political activities and those arrested for participation in illegal smuggling activities.

9. Amnesty International also continues to receive reports of the harassment and detention of relatives of Iranians who have sought refuge from persecution in Iran by leaving the country. This is apparently done in order to put pressure on political refugees to return to Iran.

10. The absence of judicial or other supervision over the detention process means that many detainees have effectively "disappeared". Thousands of relatives of political prisoners executed during the massacre which took place in the second half of 1988 have never been officially informed of their fate. Supporters of such organizations as the People's Mojahedine Organization of Iran continue to be arrested and then "disappear" without trace; no public court hearings are held, and no access to detainees is permitted to relatives or others so that it is impossible to know whether they are alive or dead.

11. Executions continue on a massive scale. Amnesty International recorded over 700 executions in 1990. Over 400 of these were of people killed as part of the Government's anti-drug-trafficking campaign in which thousands have been killed after summary trials. The Iranian authorities have not yet responded to a series of cases raised by Amnesty International in which named political prisoners were believed to be among those executed ostensibly as drug-traffickers.

12. On 3 December 1990, a 55-year-old Christian pastor, Reverend Hossein Soodmand, was executed in Mashhad. He had converted to Christianity from Islam some 20 years ago and became a practising minister in the Church of the Assembly of God two years ago. It appears that Reverend Soodmand was executed on charges of apostasy, punishable by death under Iran's Penal Code. His family were not informed of his situation until after his execution, and it is not known whether any trial proceedings preceded his execution.

13. Article 6 of the International Covenant on Civil and Political Rights, to which Iran is party, requires those countries in which the death penalty is still in force not to contravene the Covenant in its use. Trials before Islamic Revolutionary Courts, responsible for hearing drug-trafficking cases, fall far short of the requirements of article 14 of the Covenant; in

particular, the right to be presumed innocent is not respected and defendants are often not given adequate time or facilities to prepare defence, as sentences are imposed and carried out within days of arrest.

14. Amnesty International welcomed steps taken by the Iranian authorities in the course of 1990 to co-operate with the United Nations Commission on Human Rights. It also welcomed undertakings given to the United Nations Special Representative in November 1990 that the International Committee of the Red Cross would be permitted access to political prisoners in Iran and looks forward to the swift implementation of this undertaking. However, the organization remains gravely concerned that this co-operation should not be allowed to obscure continuing gross violations of human rights in Iran and a persistent failure on the part of the Government to implement effective human rights safeguards. Iran's second periodic report to the Human Rights Committee has been overdue since 21 March 1983. The Government continues to deny access to Iran to independent non-governmental human rights organizations or to permit the functioning of independent domestic human rights groups. The Government seeks to evade its responsibilities, which include the effective implementation of safeguards provided under Iranian legislation, by issuing unconvincing denials rather than applying itself to the difficult task of reform.

15. Amnesty International hopes that international pressure for an improvement in the human rights situation in Iran may be beginning to bring some positive results. However, grave human rights violations persist. Until verifiable evidence of a lasting improvement in the observance of human rights becomes apparent, the Commission on Human Rights should maintain its scrutiny of the situation in Iran.

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